

1 SCOTT N. SCHOOLS (SCBN 9990)
2 United States Attorney

3 MARK L. KROTKOSKI (CSBN 138549)
4 Chief, Criminal Division

5 DENISE MARIE BARTON (MABN 634052)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102
9 Telephone: (415) 436-7102
10 Facsimile: (415) 436-7234

11 Attorneys for Plaintiff

12
13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17
18
19
20 UNITED STATES OF AMERICA,) CR No. 07-70173-JCS
21 Plaintiff,)
22 v.) STIPULATION AND [PROPOSED] ORDER
23 CHARKON CHANSAEM,) EXTENDING THE TIME LIMIT FOR THE
24 Defendant.) PRELIMINARY HEARING AND
25) EXCLUDING TIME
26)
27)
28)

29
30 On March 23, 2007, based on a criminal complaint presented by Immigration and
31 Customs Enforcement Special Agent Brian Kawabata, the Honorable Joseph C. Spero issued an
32 arrest warrant for the Defendant. On March 26, 2007, the Court held an Initial Appearance and
33 set the matter for further proceedings on March 29, 2007. On March 29, 2007, the parties
34 stipulated, and the Court ordered that the Preliminary Hearing should be scheduled for April 20,
35 2007 and that time should be excluded from the Speedy Trial Act calculations from March 29,
36 2007 to April 20, 2007. On April 12, 2007, the Hon. Joseph C. Spero signed an order to that
37 effect. On April 17, 2007, upon filing of a Joint Stipulation, the Hon. Edward M. Chen signed an
38 order continuing the Preliminary hearing from April 20, 2007 to May 9, 2007 and excluding such

1 time from the Speedy Trial Act calculations.

2 Counsel for the Government and Defendant are currently discussing a pre-indictment
3 resolution of this case. Counsel for the Government has also learned that the case agent is
4 scheduled to testify in an out of district trial the week of May 7, 2007 and will therefore be
5 unavailable to for the rescheduled Preliminary Hearing on May 9, 2007. Moreover, defense
6 counsel is still reviewing discovery that has been made available by the United States; is
7 obtaining discovery from his client which requires the assistance of a Thai interpreter and travel
8 to a remote facility; is facilitating communications with the Thai consulate on behalf of his
9 client; will be out of the office for a training seminar during the final week of May; and does not
10 believe it is in his client's best interest for the Court to hold a Preliminary Hearing within 10 days
11 of the Initial Appearance as required by Federal Rule of Criminal Procedure 5.1(c). The parties
12 represent that granting of the continuance is necessary in so far as it would be impossible to hold
13 the preliminary proceedings without the case agent; for effective preparation of counsel; and for
14 continuity of counsel. See 18 U.S.C. § 3161(h)(8)(B)(i)(iv).

15 Accordingly, the parties have agreed as follows:

- 16 1. The Preliminary Hearing shall be removed from the May 9, 2007 calendar and be
17 continued until June 6, 2007.
- 18 2. The Defendant agrees to an exclusion of time under the Speedy Trial Act. Failure to
19 grant the requested continuance would make it impossible to proceed with the
20 Preliminary Hearing insofar as the case agent would not be present to testify and would
21 deny the Defendant effective preparation and continuity of counsel.
- 22 3. Given these circumstances, the parties agree and the Court should find that the ends of
23 justice are served by excluding the period from May 9, 2007 through June 6, 2007 from
24 the Speedy Trial Act calculation and outweigh the best interest of the public and the
25 Defendant in a speedy trial. Id. § 3161(h)(8)(A).

1 IT IS SO STIPULATED.
2
3
4 DATED: May 3, 2007
5
6
7 DATED: May 3, 2007
8
9
10
11 **IT IS SO ORDERED.**
12 Pursuant to the parties' Stipulation and for the reasons set forth above, the Preliminary
13 Hearing shall be removed from the May 9, 2007 calendar and continued until June 6, 2007 and
14 the time from May 9, 2007 to June 6, 2007 shall be excluded from the Speedy Trial Act
15 calculations.
16
17
18 DATED: _____
19 Honorable Elizabeth D. Laporte
20 United States Magistrate Judge
21
22
23
24
25
26
27
28